

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

THERASENSE, INC., and ABBOTT
LABORATORIES,

Plaintiffs,

vs.

BECTON, DICKINSON AND CO.,

Defendant.

AND RELATED CASES

CASE NO. C04-2123 MJJ
CASE NO. C04-3327 MJJ
CASE NO. C04-3732 MJJ

JOINT AMENDED PRETRIAL ORDER

PROPOSED JOINT AMENDED PRETRIAL ORDER

The Court, having considered the arguments presented by the parties at a hearing on September 19, 2006, hereby ORDERS:

Case Schedule

The parties shall comply with the case schedule set forth in the table below:

Date	Event
October 5, 2006	Deadline for parties to exchange Amended Preliminary Claim Construction and Extrinsic Evidence (relating to '551 and '745 patents)
October 24, 2006	Deadline for parties to file Amended Joint Claim Construction and Pre-Hearing Statement (relating to '551 and '745 patents)
December 1, 2006	Deadline for parties to file opening briefs on claim construction (relating to '551 and '745 patents)
December 20, 2006	Deadline for parties to file responsive briefs on claim construction (relating to '551 and '745 patents)
January 17, 2007 at 2:30 p.m.	Claim construction pre-hearing conference and tutorial (relating to '551 and '745 patents)
February 7, 2007 at 2:30 p.m.	Claim construction hearing on '745 and '551 patents (combined - BD/Nova and Roche/Bayer)

1	February 20, 2007, at 2:00 p.m.	Status Conference
2	February 26, 2007	Deadline for motions to amend the pleadings to join other parties
3	March 1, 2007	Deadline for Plaintiffs to serve "Final Infringement Contentions" as required by Patent Local Rule 3-6
4	March 22, 2007	a. Deadline for Defendants to serve "Final Invalidity Contentions" as required by Patent Local Rule 3-6
5		b. Deadline for Defendants to produce opinions of counsel -- if such opinions are to be relied upon to rebut Plaintiffs' claims of willfulness -- as required by Patent Local Rule 3-8
6	April 2, 2007	Deadline for motions to amend the pleadings to change allegations
7	May 25, 2007	Close of fact discovery
8	May 25, 2007	Deadline to disclose all expert witnesses (each side is limited to 4 expert witnesses)
9	June 1, 2007	Deadline to serve initial expert reports on issues as to which a party has the burden of proof pursuant to Rule 26
10	June 15, 2007	Deadline to serve rebuttal expert reports
11	July 6, 2007	Close of expert discovery
12	July 24, 2007	Hearing date on dispositive motions
13	August 2007	Settlement Conference with Magistrate Judge Spero
14	August 22, 2007, at 9:30 a.m.	Pretrial Conference
15	September 17, 2007	Trial

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2 DATED September 22, 2006

BAKER BOTTS, LLP

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4 By: 
JAMES W. CANNON, JR. (*pro hac vice*)

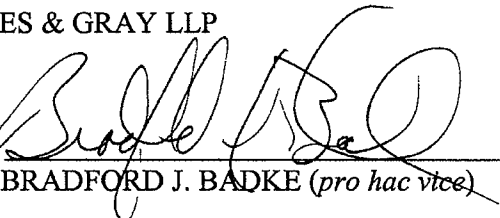
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6 MUNGER, TOLLES & OLSON LLP

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8 ROHIT K. SINGLA
JASON RANTANEN

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10 Attorneys for Plaintiffs
ABBOTT DIABETES CARE INC. and
ABBOTT LABORATORIES

11
12 DATED September 22, 2006

ROPES & GRAY LLP

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14 By: 
BRADFORD J. BADKE (*pro hac vice*)


15
16 MARK D. ROWLAND
SONA DE

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18 Attorneys for Defendants
BECTON, DICKINSON AND COMPANY
19 and NOVA BIOMEDICAL CORPORATION

ORDER

The Proposed Joint Amended Pretrial Order is hereby adopted by the Court and the parties are ordered to comply with this Order.

Dated: 10/19/2006

By: 
Honorable Martin J. Jenkins
UNITED STATES DISTRICT JUDGE